

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 16-19, 28-31, 40-43, 52-55, 64-67, and 76-79 are currently pending. Claims 20-27, 32-39, 44-51, 56-59, 68-75, and 80-87 have been canceled without prejudice; and Claims 16, 28, 40, 52, 64, and 76 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 16-18, 20-22, 24-26, 28-30, 32-34, 36-38, 40-42, 44-46, 48-50, 52-54, 56-58, 64-66, 68-70, 72-74, 76-78, 80-82, and 84-86 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,026,232 to Yogeshwar et al. (hereinafter “the ‘232 patent”); and Claims 19, 23, 27, 31, 35, 39, 43, 47, 51, 55, 59, 67, 71, 75, 79, 83, and 87 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘232 patent, further in view of U.S. Patent No. 6,438,083 to Kroon (hereinafter “the ‘083 patent”).

Amended Claim 16 is directed to a processing apparatus, comprising: (1) an encoder configured to encode video and/or audio signals to generate stream files; (2) a processor configured to generate characteristic point information including a number of streams used by a program, identification information of each stream, attribute information of each stream corresponding to each identification information, and slot information of each stream, a format of the slot information corresponding to a stream type, the characteristic point information being included in a separate program information file corresponding to each stream file and being used to access characteristic points when reproducing the stream files; and (3) a recording unit configured to record the stream files and corresponding program information files containing the characteristic point information separately on different areas

of a recording medium, the stream files being recorded in a first area of the recording medium and the program information files being recorded in a second area of the recording medium. The changes to Claim 16 are supported by the originally filed specification and do not add new matter.¹

Applicants respectfully submit that the rejection of Claim 16 is rendered moot by the present amendment to Claim 16.

The '232 patent is directed to a method and system in which a section of a previously encoded digital bit stream is replaced with another section of encoded video. In particular, the '232 patent discloses that the method includes the steps of (1) determining a start point and an end point at which the encoded video is to be modified; (2) obtaining unencoded video including video for insertion between the start point and the end point; (3) encoding the unencoded video by performing an encoding process; and (4) placing the encoded video generated by the coding process into the encoded bit stream. As shown in Figure 40, the '232 patent discloses the structure 900 of a formatted disc, which includes a disc information file 908 and various data files 910-914. In particular, as shown in Figure 41, the disc information file 908 includes file management information 920 that includes file management table 924, disc structure information 926, and menu structure information 928. Further, the '232 patent discloses that the data file 910 includes data file management information 940, which in turn includes data file management table 944, sequence information table 946, cell information table 948, and data search map 950, as shown in Figure 42. Further, the '232 patent discloses that the data file management table 944, which is part of each data file 910, includes information related to every aspect of the data file 910, including a field that describes a

¹ See, e.g., Figures 26 and 27 and the discussion related thereto in the specification.

number of audio streams in the file, the audio stream attributes including an audio coding mode, the audio coding mode including monaural, stereo, and digital surround.²

However, Applicants respectfully submit that the '232 patent fails to disclose characteristic point information including the number of streams used by a program, identification information of each stream, attribute information of each stream corresponding to each identification information, and slot information of each stream, the format of the slot information corresponding to a stream type, as recited in amended Claim 16. While the '232 patent discloses that, within the data file 910, the data file management table includes information about the data file 910, the '232 patent does not disclose that the characteristic point information includes at least four pieces of information, including slot information of each stream, a format of the slot information varying based on a type of a stream, as recited in Claim 16. In this regard, Applicants note that the Office Action points to column 56, lines 36-39 in the '232 patent as disclosing this limitation. However, Applicants note that that passage in the '232 patent merely states that a field indicating the type of each of the data files including whether the file contains both video and audio information or only audio information and whether or not the file was a karaoke file is included in the disc structure information 926. However, Applicants respectfully submit that this is not a disclosure that the **format** of the slot information corresponds to the stream type, as required by Claim 16. A field that indicates the type of each of the data files, does not indicate that the format of the slot information corresponds to the stream type, as required by Claim 16. Rather, the passage in column 56 merely discloses that the disc structure information 926 includes a particular field.

Further, Applicants respectfully submit that the '232 patent fails to disclose a recording unit configured to record the stream files in corresponding program information

² See '232 patent, column 58, lines 29-55.

files containing the characteristic point information separately on different areas of a recording medium, the stream files being recorded in a first area of the recording medium and the program information files being recorded in a second area of the recording medium, as recited in amended Claim 16. The '232 patent does not disclose a separate program information file corresponding to each stream file, as required by amended Claim 16. Rather, the '232 patent discloses that, within the data file 910, a data file management table includes information about the data file 910.

For the reasons stated above, Applicants respectfully submit that the rejection of Claim 16 (and dependent Claims 17 and 18) is rendered moot and that Claim 16 patentably defines over the '232 patent.

Independent Claims 28, 40, 52, 64, and 76 recite the slot information and characteristic point information recited in Claim 16. Moreover, Claims 28, 40, 52, 64, and 76 have been amended in a manner analogous to the amendment to Claim 16. Accordingly, for the reasons stated above, Applicants respectfully submit that the rejections of the above-noted independent claims are rendered moot by the present amendment to those claims.

Applicants respectfully submit that the rejections of Claims 20-27, 32-39, 44-51, 56-59, 68-75, and 80-87 are rendered moot by the present cancellation of those claims.

Regarding the rejection of dependent Claims 19, 31, 43, 55, 67, and 79 under 35 U.S.C. § 103(a), Applicants respectfully submit that the '083 patent fails to remedy the deficiencies of the '232 patent, as discussed above. Accordingly, Applicants respectfully submit that the rejections of the above-noted dependent claims are rendered moot by the present amendment to the independent claims.

Thus, it is respectfully submitted that Claims 16-19, 28-31, 40-43, 52-55, 64-67, and 76-79 patentably define over any proper combination of the '232 and '083 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

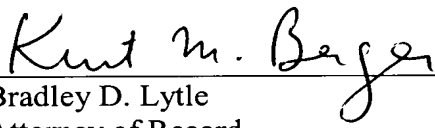
22850

Tel: (703) 413-3000

Fax: (703) 413-2220

(OSMMN 06/04)

I:\ATTY\KMB\275'S\275927US\275927US-AM3 09-10-08.DOC


Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Kurt M. Berger, Ph.D.
Registration No. 51,461